IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5703 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANDVI DEVI STEEL

Versus

CHAIRMAN

Appearance:

(MR FA MEMON) for Petitioner

MR PM RAVAL for Respondent No. 1

MS PJ DAVAWALA for Respondent No. 3, 4

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 20/04/2001

ORAL JUDGEMENT

#. Heard learned counsel Mr.J.M.Patel, for the petitioner and Ms.P.J.Devawala, for the respondents.

#. A preliminary objection is raised on behalf of the

respondents on the ground that the nature of claim made in the petition can appropriately be adjudicated by the Central Administrative Tribunal which is by now conferred the jurisdiction to entertain the application of the petitioner. The learned counsel for the petitioner Mr.J.M.Patel submitted that the petitioner would have no objection to approaching the Central Administrative Tribunal with the grievances which are subject matter of this petition. The learned counsel for the respondents has fairly conceded that if and when such application is made by the petitioner, the same should not be resisted on the technical ground like limitation or jurisdiction and the respondents should cooperate in early disposal of such application on merits in view of this matter having remained pending for over a decade in this Court.

#. In these facts and circumstances, the learned counsel for the petitioner seeks permission to withdraw this petition with a view to file appropriate application before the Central Administrative Tribunal within a period of two months. Permission is granted. The petition stands disposed as withdrawn with liberty to the petitioner to apply in case of difficulty. Rule is discharged with no order as to costs.

(D. H. WAGHELA, J.)

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